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DEPARTMENT OF STATE
Washington, D.C. 20520

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EXCISE (22)

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(With Attachment)

December 9, 1980

To: S/RTT - Ambassador Neumann

From: D/CT - Anthony C.E. Quainton

Subject: Transition Issues

Attached for the information of your Transition team are several short papers prepared by my staff on issues which we anticipate will be coming up early in the new Administration. We would welcome a chance to discuss these and other subjects relating to our efforts to combat international terrorism with whoever on your staff is following these issues. One additional paper on police training has already been submitted to you through the Secretariat.

Attachment

DEPARTMENT OF STATE A/CDC/MR
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THE PERMANENCE OF VIOLENCE

One of the most important issues which needs to be addressed in a political context during the next four years is the capacity of our government to deal with low level violence and conflict. There is no subject which engenders such public anxiety as the political violence and terrorism which continually confront us. The public grasps the big issues of war and peace, and where our national interests lie, but it is less able to accept the fact that we live in a world in which violence has become a permanent and pervasive feature. In the 1980's we can expect more violence directed at US interests and personnel. Because of this upward cycle of violence, many seem to feel that the international system is out of control and that the United States Government, a fragile bark buffeted in a turbulent world, can do nothing about it. This perception is in error.

What can we do? We badly need to have the public understand that the next decade will be a tempestuous one and that we will not be able to eliminate violence. Too often the public expects action (as in Iran) whereas a patient methodical approach may make more sense. We must, therefore, spell out in a credible way a strategy for containing violence. The approach which we have devised in recent years for dealing with terrorism may be relevant to other kinds of low level conflict. In our public relations efforts and Congressional testimony, we need to emphasize five elements:

(a) An Attack on the Root Causes: The policies we pursue in the Middle East, El Salvador and Southern Africa are, among

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other things, designed to eliminate the grievances that give rise to violence. This must be seen to be a major goal of our foreign policy.

(b) Intelligence: To be forewarned is to be forearmed. The climate for intelligence collection is changing. We are focussing more resources on targets in violence-prone groups and movements. The relevance of intelligence must be stressed as must the fact that intelligence can be used to save lives.

(c) Security and Contingency Planning: Great strides have been made to protect vital installations. Tehran and Islamabad notwithstanding, we can defend and protect our Embassies. More is being done, but resources will be needed. The public must understand the necessary costs of effective security.

(d) Crisis Management: The public does not believe we have our act together. In fact, we do. For terrorist-type crises, the NSC/SCC system works. We are refining our response capabilities. The Counter-Terrorism Joint Task Force which DOD has established is an example. We need to explain more effectively how the system works and what is the state of our preparedness.

(e) International Cooperation: At all levels we are addressing the issue of violence: in the UN, in NATO, at CSCE, etc. Counter-terrorism has become an integral part of our foreign policy, but to outsiders our efforts seem haphazard and uncoordinate. This is not so.

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All of these measures add up to a coherent strategy of prevention, deterrence, prediction and reaction. This strategy needs public support. It will only get it if the public understands how these elements are interrelated and is persuaded that we are serious about them. It is, however, only a strategy, not a panacea. It provides a handle for dealing with violence in an effective and constructive way. It will not make terrorism go away; it makes it manageable. That must be our message.

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AIRCRAFT SALES TO TERRORIST PATRON STATES

The Export Administration Act of 1979 states that "it is the policy of the United States to use export controls...to encourage other countries to take immediate steps to prevent the use of their territories or resources to aid, encourage, or give sanctuary to those persons involved in directing, supporting, or participating in acts of international terrorism." In addition to this statement of policy, the Act requires the Secretary of Commerce and the Secretary of State to notify the Congress before the issuance of any export license for goods or technology valued at more than $7 million to any country which has repeatedly provided support for acts of international terrorism if such goods and technology would make a significant contribution to the military potential of such country, including its military logistics capability, or would enhance the ability of that country to support acts of international terrorism. Under this provision of the Act, the Administration in December, 1979 placed controls on aircraft valued at more than $3 million and helicopters of more than 10,000 pounds empty weight to Libya, Syria, Iraq and the People's Democratic Republic of Yemen. These controls remain in effect.

The issues which must be addressed are whether controls on large aircraft are effective means of deterring national

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support for terrorism and whether the harm done to U.S. export competitiveness outweighs the benefits attained through the use of these controls. Boeing Aircraft, the company most affected by the decisions, has argued that it stands to lose as much as $10 billion in aircraft sales to Arab countries over the next decade as a result of this policy. Boeing has now pending several hundred million dollars worth of firm sales to Syria and Iraq. In one case, the existence of these controls may have contributed to a national airline's decision to purchase the Airbus rather than Boeing products.

The legislative history of the Congressional notification requirement indicates that the Congress' concern with large aircraft arose from their use by Libya to provide support for Idi Amin's regime in Uganda. However, the Congress did not specify in the Act that large aircraft were to be controlled; the finding that large aircraft make a contribution to military potential was the Administration's. In making licencing decisions the Department has been concerned that the sale of large aircraft to the patron states of terrorism would result in further legislative action involving tighter restrictions on U.S. aircraft sales and other goods or technology. Additional concern has been the possibility that approval of aircraft licenses for Iraq would result in a legislative revocation of the licensing of GE turbine engines sold to Italy for inclusion in frigates being manufactured for the Iraq navy.

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It is clear that sales of large commercial aircraft bear little relation to a state's support for international terrorism. However, it does put the country concerned on clear notice about the importance which the United States attaches to countering international terrorism. There is no evidence that the denial of sales of large aircraft has directly affected the support of acts of terrorism by the four patron states, although there has, in fact, been some diminution in the terrorist activities of groups such as Sa'iqa and the Arab Liberation Front, which are supported directly by the Libyan and Iraqi regimes respectively.

One particular problem in the use of these sanctions is the unwillingness of foreign suppliers of comparable aircraft to forego the commercial opportunities which arise when we adopt a unilateral policy of denying sales to the patron states. The Anglo-French Airbus Consortium has been the principal beneficiary of our policy. Alternatives to outright denial would include (a) sales subject to explicit restrictions in the form of civilian end-use assurances; (b) the retention of controls on all militarily significant items or items for military consignees; and, (c) enhanced diplomatic efforts focussing on these countries' support for terrorism.

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SECURITY FOR EMBASSIES AND CONSULATES IN THE UNITED STATES

Recent attacks on diplomatic installations here and abroad have resulted in pressure for more effective protection of foreign missions in the United States. We have frequently been unable to meet these requests and there have, in fact, been several successful terrorist attacks against diplomats in recent months, including the murder of the Cuban diplomat in New York and the bombing of the Soviet and Turkish UN missions.

Over the past year a number of embassies in Washington and consulates throughout the country have requested additional security protection because of explicit threats from terrorist groups or because a government believed the international situation would increase the likelihood of an attack on a mission or its members. Examples included the Egyptian and Israeli embassies, during and after the Camp David process; the Yugoslav Embassy following the death of President Tito; the Turkish Embassy following Armenian terrorist threats and the Iranian Embassy.

Most of the requests represent legitimate security concerns. The United States has an obligation under international law, particularly the Vienna Convention on Diplomatic Relations, to meet those requests and protect foreign missions in this country. Not only do we have an obligation to protect but self interest indicates that we protect foreign missions. Several countries

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have indicated that they would apply the principle of reciprocity in determining the level of protection they would provide our facilities in their countries. Since many of the countries concerned are high risk countries for us, we want to avoid the possibility of reducing the level of protection of our facilities by failing to protect adequately installations in this country.

Our approach to this problem has involved two basic proposals: 1) the U.S. Secret Service Uniformed Division should receive additional positions in order to be able to provide more adequate protection to the diplomatic community in Washington, D.C.; and 2) legislation should be enacted enabling the State Department to reimburse local police jurisdictions for any extraordinary security provided to counsular installations.

On October 14, 1980 Secretary of State Muskie and Secretary of the Treasury J. Williams Miller sent to Mr. James T. McIntyre, Jr., Director, Office of Management and Budget a proposal that he approve an increase of 180 Secret Service Uniformed Division officer positions and the necessary budget increase of $4,318,000 to fund them and a proposal that the OMB staff pursue with the staffs of State and Treasury legislation to provide payment to state and local jurisdictions

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throughout the U.S. for specified extraordinary security protection requested by the Department of State for diplomatic and consular installations. OMB has rejected the position increase but has not acted on the other proposals.

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Counter - Terrorism Legislation

Since 1977, the Congress has intermittently considered legislative initiatives aimed at combatting international terrorism. S.333, the latest Ribicoff-Javits version, did not pass either house in the current session.

The most significant substantive features of the various versions of the omnibus antiterrorism bill are:

1) Complex definitions of international terrorism, and state support of international terrorism,

2) A requirement that the President furnish to the Congress an annual report of acts of international terrorism and a biennial Report on Federal and International Capabilities to Combat Terrorism,

3) A requirement that the President prepare a list of states which "have demonstrated a pattern of support for acts of international terrorism",

4) Power in Congress to veto by concurrent resolutions the President's removal of a state from the list,

5) Automatic application of sanctions to the listed states including a cut-off of economic assistance, arms exports, and preferential trade, subject to a national security waiver by the President,

6) Authorization for FAA inspection of foreign airports,

7) Implementation of the Montreal Convention against aircraft sabotage and hijacking,

8) Provision that detection and identification taggants be added to explosives.

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A similar bill will probably be introduced in the next Congress, though in the absence of Senators Javits and Ribicoff, the two main Senate proponents of the earlier bill, its chances for success are uncertain.

From the viewpoint of the Executive Branch, the Bill provides no new needed authority and contains a number of troubling features, foremost among which is the automatic application of sanctions to states which are found to have demonstrated a pattern of support for international terrorism. Automatic application (even though subject to waiver) deprives the President of needed flexibility in handling the problem of state support for international terrorism. Furthermore, the definition of international terrorism may not be sufficiently tightly drawn to ensure coverage of state supported assassinations of dissidents residing overseas. Such assassinations are usually considered acts of international terrorism subject to condemnation and to sanctions when used by states as an instrument of policy.

One element of the bill is essential: The implementation of the Montreal Convention. The United States signed and ratified this convention nearly a decade ago but has never put its provisions into effect through the necessary amendments to the U.S. Code.

Most law enforcement agencies favor the provisions relating to explosive taggants, given the fact that bombings are far and away the most common terrorist acts. However this provision has encountered strong opposition from explosive manufacturers and the National Rifle Association.

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An additional legislative matter pending in the Congress is the Convention Against the Taking of Hostages, which obligates states to prosecute or extradite those who commit the offense of hostage-taking. The ratification of this Convention is now before the Senate. Once ratified, it must be implemented by legislation making the act of hostage taking an extraterritorial offense.

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CRISIS MANAGEMENT AND CONTINGENCY PLANNING

Crisis management and contingency planning are D/CT's two priority responsibilities. This office not only reports to the Deputy Secretary of State on policy matters but, under the overall jurisdiction of the NSC's Special Coordinating Committee, oversees the 29-agency Working Group on Terrorism. One of the Working Group's four principal committees deals with Contingency Planning and Crisis Management, and is headed by D/CT's Deputy Director. The Director of D/CT, as Chairman of the Working Group and its Executive Committee, plays a key role in shaping and coordinating the Government's program for combatting terrorism.

D/CT has been working closely with overseas posts to improve their contingency planning for various types of terrorist incidents. Guidelines have been sent to all posts for the preparation of hijacking and general terrorism contingency plans. D/CT has reviewed all plans submitted and has provided suggestions for modification as appropriate. Also, posts were recently provided guidance on contingency planning for chemical, biological and nuclear incidents, and on the interagency resources which can be called upon if needed.

In most terrorist incidents, such as hijackings and hostage taking, D/CT works out of the Department's Operations Center. Because of its special responsibilities for crisis management situations D/CT uses the Operations Center more than any other Department office.

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D/CT has regularly participated in or observed terrorism exercises involving other federal agencies, e.g., DOD, CIA, DOE, FBI, FAA, etc. It has worked closely with other agencies observing their training, facilities, etc., and has participated with Department personnel during incidents and exercises. D/CT consequently has a unique basis from which to comment on the Department's crisis preparedness.

Due to the lack of experience of most offices, crisis management in the Department is generally handled on an ad hoc basis. There is no training in the subject, minimal practical experience here and at our posts, and little or no interest in exercises and simulations (unlike DOD, which uses them often and well). As a result, it is invariably a group of talented amateurs who grapple with a crisis until, by trial and error, they finally bring it to a conclusion. However, what they have learned is almost never shared with a wider audience. Also the Operations Center, despite organizational improvements and the dedication of its staff, is a poorly-designed facility with equipment years behind the state-of-the art. Compared to centers in the other key federal agencies, ours is obsolescent.

The Department needs to provide crisis management training for mid-career and senior personnel, through an FSI course and by inclusion of such material in other courses, e.g., the Senior Seminar and DCM's course. Exercises and simulations (in-house

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and interagency) should be planned to test our ability to respond to incidents and to familiarize personnel with the Operations Center.

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Seventh floor principals should participate in these exercises both to refine crisis management skills and to emphasize their importance. The Operations Center also needs a major upgrading. As the Department's preeminent crisis management facility, it should be professionally designed with first class equipment to enhance the ability of decision-makers to deal with crises.

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PRESIDENTIAL CERTIFICATION ON NICARAGUA

Under the Foreign Assistance Act of 1961 as amended, the President must certify to the Congress that the Government of Nicragua "has not cooperated with or harbors any international terrorist organization or is aiding, abetting, or supporting acts of violence or terrorism in other countries" before any assistance to Nicaragua may be released. In the event that the President submits such a certification to the Congress but later determines that the Government of Nicaragua has violated the terms mentioned above, he shall terminate all assistance. The outstanding balances of all loans to the Government of Nicaragua shall become due immediately.

In determining whether the Government of Nicaragua (GRN) had cooperated with terrorist groups or supplied substantial support for terrorist acts, all available evidence was carefully reviewed and evaluated. B-1 1.5(b)

individual Sandinistas have been supplying arms and training to Salvadoran insurgents. While the GRN has acknowledged that such activities have occurred, it has asserted that the actions of those individuals were not authorized by the government and were contrary to official GRN policy. Thus, while evidence suggested the strong possibility of direct GRN involvement in terrorist activities, such involvement was not conclusively established.

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Based on a lack of decisive evidence to the contrary, the United States concluded that the GRN had not directly supported international terrorist activities. On September 12 President Carter submitted the required certification to the Congress. This certification enabled Congress to release the first $45 million of Nicaragua's total aid package of $75 million.

However, indications of Sandinista support for acts of violence and terrorism continue to surface, as in the case of the assassination of former Nicaraguan President Anastasio Somoza. While reports have been received linking the GRN to the assassination, the evidence presented has not been sufficiently conclusive to demonstrate direct involvement on the part of the Nicaraguan government. As reports of GRN support for terrorist activities increase, the possibility of our being presented with a "smoking gun" is also likely to increase.

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